

Testimony for Mary Anne Casey

Raised Bill 6629

An Act Concerning Domestic Violence

March 30, 2011

Sen. Coleman, Rep. Fox and members of the Judiciary Committee:

My name is Mary Anne Casey and I am President of the CT State Surety Association and Vice President of the Professional Bail Agents of the United States. I have been a licensed bail agent for 30 years and I carry both a surety bail license and a professional license issued by the Dept. of Public Safety. I am here today to testify and comment on a particular issue in Raised Bill 6629, An Act Concerning Domestic Violence, Sec. 19(b) in particular.

As many of you are aware, members of our Association for years have been testifying and asking for bail reform. We were interviewed extensively by the investigator representing the legislative program review and investigations committee back in 2003 and were optimistic after that report was made public, bail reform would occur. To date, nothing has been passed. Many negative occurrences predicted in the Program Review report have come to fruition; the most appalling is the fatalities that have occurred while defendants have been released on discounted bail premiums or in the matter of the West Haven tragedy, no money was paid at all.

If Sec. 19 was taken from Sen. Bill 28 and placed in this proposed Bill as a way of achieving bail reform, as authored, it will do little and here are my reasons:

First, there are no criminal penalties listed for bail agent offenders. The lack of any criminal penalties for violators is mystifying. What it succeeds in doing is to allow rogue agents to continue operating the way they have for the past 15 years. Furthermore, without criminal statute in place, it makes regulating near impossible. Criminal penalties for violators are imperative.

Second: To allow for only 35% of the filed premium rate to be given as a "down payment" for a surety bond with the balance due in 15 months only serves to legitimize the practice of rebating not to mention the risk that would continue for victims of domestic violence. To understand the financial component of this Bill I will use the example of the West Haven tragedy. The bail was set at \$25,000. Under this Bill the defendant would only have to come up with a mere \$665.00 with the balance due in 15 months. Clearly not an adequate amount to protect the victim. I do realize that the intent as written is that the balance will be paid in 15 months time but the reality is that more often than not this will not occur. Furthermore, to allow for up to 15 months to pay the balance when the average case is disposed of in about 3-6 months will prove to be meaningless. Nor, based on this legislation, would a bail agent be found in violation if they are unable to collect the balance based on the defendant being incarcerated. We are then back to the issue of rebating only now, if this legislation were to pass, the bail agent has done so legally. The filed rates were originated many years ago for indemnification purposes.

Allowing 35% to be paid up front does not accomplish that. I would ask for a compromise of at least 75% down with only 6 months to pay.

Finally, I readily admit to being confused. I testified at an Insurance Committee public hearing a month ago pertaining to Sen. Bill 28 An Act Concerning Bail Agents and Professional Bondsman. As I stated earlier, Sec. 19 of Raised Bill 6629 has inserted some of the language regarding surety bail reform in it's language. One very important piece was left out and that was regarding solicitation by a licensed bail agent. Raised Bill 6629 would prohibit the soliciting of bail bonds by an unlicensed person but Sen. Bill 28 would prohibit a licensed agent from soliciting in places like court houses, jails and police departments. Throughout the country solicitation has been banned in these places and with good reason. Time and again families are accosted, badgered and sometimes threatened by bail agents in their quest to secure the bond. It also provides for a breeding ground for the illegal practice of bail bond premiums. There are some courts in Connecticut where the Administrative Judge has posted notice prohibiting solicitation due to the negative impact it has on the general public. If the language in this Bill is to be in lieu of SB28 I urge this Committee to insert the no solicitation language.

In closing, I would like to thank this Committee, and Rep. Flexer for bringing the issue of Domestic Violence to the forefront. I recognize that surety bail is a very small piece of this legislation. Please keep in mind that by keeping the premium requirement level at 35% this enables violent domestic offenders the ease of a quick release therefore eliminating a much needed cooling off period necessary to protect domestic violence victims.